

REMARKS

The Office Action of March 5, 2008 was received and carefully reviewed. Reconsideration and withdrawal of the currently pending rejections are requested for the reasons advanced in detail below. By this amendment, claims 1, 23, 24, 33 and 35 are amended to clarify the invention, and not for reasons of patentability. No claims are canceled, and no new claims are added. Accordingly, claims 1-36 remain pending in the present application.

Applicants respectfully submit that support for the newly recited features of claims 1, 33 and 35 may be found, for example, at page 17 of the present specification. Thus, Applicants respectfully submit that the present Amendment does not introduce new matter.

Request for Information under 37 C.F.R. §1.105

Per the Examiner's request, Applicants have provided a copy of the press release of June 6, 2002, herewith. Further, Applicants respectfully submit that the press release of June 6, 2002 is not directed to the claimed features of the present invention.

Specification

The abstract of the disclosure has been amended as to be placed in better condition for U.S. practice. Accordingly, Applicants respectfully request withdrawal of the objection.

Claim Objections

Claims 23 and 24 have been amended to obviate any perceived informalities noted by the Examiner. Applicants respectfully request the withdrawal of the objection.

Claim Rejections

Claims 1-19, 21-24, 28 and 32-36 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by *Suzuki* (U.S. Patent No. 6,129,274). Claim 29 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable in view of *Suzuki*. Claims 25-27 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Suzuki* in view of *Sehr* (U.S. Patent No. 5,566,327). Claims 20, 30 and 31 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Suzuki* in view of *Freeman et al.* (U.S. Patent No. 6,450,407 B1) (*Freeman*, hereinafter). Applicants traverse these rejections as follows.

Applicants respectfully submit that present independent claims 1, 33 and 35, and the claims dependent therefrom, are patently distinguishable over *Suzuki*, *Sehr* and *Freeman*, since *Suzuki*, *Sehr* and *Freeman*, either taken alone or in combination, fail to disclose, teach or suggest all of the features recited in the pending claims. For example, independent claim 1 (emphasis added) recites:

A transaction system for use by a plurality of users, comprising:

a plurality of electronic tokens for storing and processing token transaction data and token reward data, each of said electronic tokens for use by a respective user;

a computer server for storing and processing server transaction data and server reward data associated with each of said respective tokens in real-time; and

a plurality of user interaction devices for communicating with said server, at least one of which is provided with a token acceptor device for reading from and writing to said tokens;

wherein said server transaction data and said token transaction data are indicative of at least one transaction and said server and token reward data are indicative of rewards or entitlements earned or otherwise awarded, and said system is operable to transfer, for a respective token, server reward data from said server to said respective token and token reward data from said respective token to said server by means of said user interaction device provided with a token acceptor device, whereby said rewards or entitlements are redeemable either according to reward data stored on said token or according to reward data stored on said server.

Independent claim 33 (emphasis added) recites:

A method for performing transactions by a plurality of users, comprising:

providing a plurality of electronic tokens for storing and processing token transaction data and token reward data, each of said electronic tokens for use by a respective user;

providing a computer server for storing and processing server transaction data and server reward data associated with each of said respective tokens in real-time; and

providing a plurality of user interaction devices for communicating with said server, at least one of which is provided with a token acceptor device for reading from and writing to said tokens;

wherein said server transaction data and said token transaction data are indicative of at least one transaction and said server and token reward data are indicative of rewards or entitlements earned or otherwise awarded, and said system is operable to transfer, for a respective token, server reward data from said server to said respective token and token reward data from said respective token to said server by means of said user interaction device provided with a token acceptor device, whereby said rewards or entitlements are redeemable either according to reward data stored on said token or according to reward data stored on said

Independent claim 35 (emphasis added) recites:

A transaction system for use by a plurality of users, comprising:
a plurality of electronic tokens for storing and processing token activity data and token reward data, each of said electronic tokens for use by a respective user;
a computer server for storing and processing server activity data and server reward data associated with each of said respective tokens in real-time; and
a plurality of user interaction devices for communicating with said server, at least one of which is provided with a token acceptor device for reading from and writing to said tokens;
wherein said server activity data and said token activity data are indicative of at least one activity and said server and token reward data are indicative of rewards or entitlements earned or otherwise awarded, and said system is operable to transfer, for a respective token, server reward data from said server to said respective token and token reward data from said respective token to said server by means of said user interaction device provided with a token acceptor device, whereby said rewards or entitlements are redeemable either according to reward data stored on said token or according to reward data stored on said server.

Thus, independent claims 1, 33 and 35 are directed to the features a computer server for storing and processing server transaction data and server reward data associated with each of said respective tokens in real-time.

Applicants respectfully submit that the present independent claims 1, 33 and 35 are patentably distinguishable over *Suzuki*, *Sehr* and *Freeman*, taken either alone or in combination. Specifically, neither *Suzuki*, *Sehr* nor *Freeman* disclose a computer server for storing and processing server transaction data and server reward data associated with each of said respective tokens in real-time, as recited in independent claims 1 and 35. Additionally, neither *Suzuki*, *Sehr* nor *Freeman* disclose providing a computer server for storing and processing server transaction data and server reward data associated with each of said respective tokens in real-time, as recited in independent claim 33.

Suzuki is directed to a conventional in store shopping system that “provides for the storage of a customer’s personal information, demographic profile and shopping transaction history data in a convenient and readily transportable form, such as a credit card shaped, smart card-like customer ID card which a customer is able to use to interface with various in-store POS or hand-held terminals when making a purchase transaction.” (see *Suzuki*, col. 6, lns. 31-38)

Specifically, *Suzuki* teaches that “[i]f a customer is visiting multiple stores or multiple departments within a store *during the time period between batch processes*, the store is able to evaluate that customer’s immediate transaction history information in order to allocate loyalty or incentive points, award in-store coupons, and the like, all by merely reading and writing information from and to the ID card at a POS terminal.” (see *Suzuki*, col. 6, ln. 67 though col. 7, ln. 6) Furthermore, *Suzuki* discloses that “[c]ustomer loyalty is promoted and enhanced by providing an effective means for immediately allocating award points, store coupons, and the like, upon a purchase without having to wait until the *next batch process* upload in order to update a particular customer’s transaction history information.” (see *Suzuki*, col. 8, lns. 19-24).

In other words, information is directly saved on the ID card of *Suzuki* without “a computer server for storing and processing server transaction data and server reward data associated with each of said respective tokens *in real-time*” (emphasis added), as recited in independent claims 1, 33 and 35 of the present invention.

The Examiner purports (see page 5 of the Office Action dated March 5, 2008) that *Suzuki* discloses:

- *a computer server for storing and processing server transaction data and server reward data associated with each of said respective tokens (see at least column 12, lines 5-7, central computer system),*

However, column 12, lines 5-7 of *Suzuki*, actually recites:

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by the store to effect purchase transactions. The terminal, as explained above, accesses the customer’s personal information in order to validate the transaction and in order to ensure that the appropriate data is matched to the appropriate customer when satellite transactions are uploaded to a central computer system during a batch process at some later time. Turning now to FIG. 4, there is depicted a semi-

Thus, as clearly seen above, *Suzuki* is completely silent with regard to storing and

processing server transaction data and server reward data associated with each of the respective tokens in real-time. To the contrary, *Suzuki* merely discloses that “data is matched to the appropriate customer when satellite transactions are uploaded to a central computer system during *a batch process at some later time.*” (emphasis added)

Therefore, *Suzuki* is deficient at least for failing to disclose, teach or suggest all of the claimed features of the present invention. Applicants respectfully submit that *Sehr* and *Freeman* fail to make up for the deficiencies of *Suzuki*. Therefore, Applicants respectfully submit that independent claims 1, 33 and 35 are allowable at least for the reasons stated above.

Claims 2-32, 34 and 36 are allowable at least by virtue of their dependency, but are also distinguishable over the prior art. Thus, these claims are in condition for allowance, and Applicants request withdrawal of this rejection.

In view of the foregoing, it is submitted that the present application is in condition for allowance and a notice to that effect is respectfully requested. If, however, the Examiner deems that any issue remains after considering this response, the Examiner is invited to contact the undersigned attorney/agent to expedite the prosecution and engage in a joint effort to work out a mutually satisfactory solution.

Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 19-2380. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

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/Anthony J. Canning, Reg. #62,107/
Anthony J. Canning
Registration No. 62,107

Nixon Peabody LLP
Suite 900, 401 9th Street, N.W.
Washington, D.C. 20004-2128
(202) 585-8000